

Attorney Docket No.: J3714(C)
Serial No.: 10/550,623
Filed: June 27, 2006
Confirmation No.: 4633

REMARKS

Claims 1 and 2 have been cancelled without prejudice. Claims 3, 4 and 5 have been amended to change their dependency from cancelled claim 1 to claim 12. Claim 12 has been amended to further identify the mousse as an aerosol mousse. See, for example, page 30, lines 8 to 12. Entry of the subject amendments is respectfully requested.

In the Office Action of February 19, 2011, claims 1-9 and 12 were rejected under 35 U.S.C. 103(a) over Dhamdhere et al. (US6787130 and its family member WO03/028677) in combination with Dodd et al. (US5674478); such claims were further rejected under 35 U.S.C. 103(a) over the combination of Krysik et al. (US541610) and Torgerson et al. (US 5,919,439). These rejections are respectfully traversed.

Pursuant to the subject invention it has been found that aerosol hair mousses that include the described silicone pressure sensitive adhesive (i.e., a silicone pressure sensitive adhesive comprising a silicate condensed with a silicone fluid, the adhesive being in the form of an emulsion), can impart desirable styling without compromising sensory properties such as hair "feel", and can omit stickiness on both hair and hands used to apply the subject compositions to the hair. As described at page 3, lines 23 to 27, pressure sensitive adhesive materials are "permanently tacky at room temperature and able to develop measurable adhesion to a surface simply upon contact or by the application of a light pressure."

Aerosol mousse compositions contain liquefied propellant. Upon dispenser activation, the liquefied propellant expands and causes foaming of the dispensed

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product, greatly increasing the volume thereof. As the product is spread through the hair the foam collapses, leaving an applied product that dries relatively quickly.

In contrast to the subject mousses, the compositions disclosed in Dhamdhere et al. are various shampoos and conditioning compositions. Unlike leave-on compositions, shampoos are typically rinsed from the hair. In rinsing, the shampoo gets diluted with a significant amount of water, as users remove the shampoo suds from their hair. Conditioners are usually of two different types, leave-on and rinse-off. While the composition of claim 10 of Dhamdhere et al. is characterized as a leave-on composition, the conditioner compositions most focused on in Dhamdhere et al. are rinse-off conditioners. Like shampoos, rinse-off conditioners are also diluted with a significant amount of water as product is removed from the hair.

Moreover, there is nothing in Dhamdhere et al. that discloses aerosol mousses or any other compositions that include a propellant. For the teaching of an aerosol mousse, the Office Action references Dodd et al. Dodd et al. is directed to the use of a cationic cross-linked polymeric conditioning agent that includes (A) a dialkylaminoalkyl acrylate monomer (or quaternary ammonium or acid addition salt thereof), (B) a dialkylaminoalkyl methacrylate monomer (or a quaternary ammonium or acid addition salt thereof) and (C) a nonionic monomer polymerizable with (A) or (B). The compositions therein described take many forms, with a hair mouse formulation being disclosed in Examples 13 and 14. Examples 13 and 14 further include what is characterized as a silicone emulsion that is a premix of polydimethylsiloxane gum/polydimethylsiloxane fluid (40:60) and up to 30% polysorbate 80. As described by Dhamdhere et al., silicone pressure sensitive adhesives comprise two major components, i.e., a polymer or gum, and a tackifying agent. There is, however, nothing in Dodd et al. that discloses or suggests that the gum of the Example 13 or 14 premix has a tackifying component or that would in any

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way characterize the material as a pressure sensitive adhesive. Respectfully, Dodd et al. does not provide one skilled in the art with a rationale to employ a pressure sensitive adhesive as in Dhamdhere et al. in an aerosol mousse.

Krysik et al. is directed to skin care products and mascaras that include a non-flammable hot melt silicone pressure sensitive adhesive as therein more particularly described. There is nothing in the citation that is directed to leave-on hair care products in the form of an aerosol hair mousse (which is applied to hair growing from the scalp). Mascaras are formulated for application to eyelashes; property-wise and compositionally they are very different than leave-on hair mousses.

Torgerson et al. is directed to the use of silicone grafted thermoplastic elastomeric copolymers in cosmetic and pharmaceutical compositions. The elastomeric copolymers are described as having a backbone with two or more hydrophilic polymeric side chains and one more polysiloxane side chains. The polysiloxane side chains are said to modify the surface properties of the elastomeric copolymers giving them a "smooth, slick feel". See column 2 at lines 10 to 13. The thermoplastic copolymers are described in greater detail in columns 2 to 4. These materials are not silicone pressure sensitive adhesives as described by the subject claims.

Respectfully, the combination of Krysik et al. and Torgerson et al. fails to provide a credible rationale for incorporating a pressure sensitive adhesive as described by the subject claims into an aerosol mousse product.

In view of the amendments and remarks set forth above, reconsideration and allowance of the subject claims is respectfully requested.

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If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney kindly requests the Examiner to telephone at the number provided.

Respectfully submitted,

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